

Remarks

Claims 24 and 25 are pending in the subject application. Claim 24 is amended above in part in accord with the Examiner's suggestion and also to further limit the claim to recite that the distinguishing phenotype is "insect resistance conferred by expression of an insecticidal *Bacillus thuringiensis* crystal protein." Claim 25 is amended above in accord with the Examiner's suggestion to provide antecedent basis for the phrase "insecticide structural gene." In addition, the specification has been amended to recite the proper status of related applications, and the title and abstract have been amended in accord with the Examiner's suggestions. Applicants hereby express their gratitude for the Examiner's careful reading of the application and his suggestions for curative amendments. The Brief Description of Drawings has been amended in its description of Figure 4 to delete the entire last sentence, which was unnecessary, and in the absence of which there is no confusion. No new matter is presented by any of these amendments. Upon entry, claims 24 and 25 will be pending before the Examiner. Favorable consideration is respectfully requested.

The objections to the specification, title, and abstract set forth at pages 2 and 3 of the Office Action have been obviated by the above amendments. In response to the objection to drawings set forth at page 3 of the Office Action, Applicants submit herewith a substitute Figure 1, for which Applicants request approval and entry. Replacement pages for Figures 1-1 through 1-5 are submitted as a replacement for Figures 1-1 and 1-2. Applicants have enlarged the text of Figures 1-1 and 1-2. No new matter has been introduced.

Applicants respectfully assert that the §112, second paragraph, rejection of claims 24 and 25 as indefinite have been obviated by the above amendments. Reconsideration is respectfully requested.

Next, Applicants believe that the §112, first paragraph, written description rejection of claim 24 set forth at pages 4-6 of the Office Action has been obviated by the above amendment to claim 24, which specifies that the foreign DNA encodes a *Bacillus thuringiensis* insecticidal crystal protein. Many *Bacillus thuringiensis* genes encoding insecticidal crystal proteins were known in the art as of the priority date of the application, had been cloned, and were there readily available to those skilled in the art. Accordingly, reconsideration and withdrawal of this rejection in view of the amendments to claim 24 is respectfully requested.

Finally, Applicants respectfully request reconsideration of the §112, first paragraph, rejection of claim 24 as nonenabled. The above amendments to claim 24 have made it clear that the genes used to transform cotton encode *Bacillus thuringiensis* insecticidal crystal proteins, thus obviating the bases set forth for this rejection at page 7 of the Office Action. Applicants respectfully assert that the reasons for the rejection set forth at page 8 of the Office Action are inapposite. The cited reference describes a failed experiment in walnut plants, something that is irrelevant to the claimed invention of transformed cotton. Applicants respectfully request reconsideration and withdrawal of this rejection.

Applicants gratefully acknowledge the Examiner's indication at page 8 of the Office Action that the claims are free of the prior art.

It should be understood that the amendments presented herein have been made solely to expedite prosecution of the subject application to completion and should not be construed as an indication of Applicants' agreement with or acquiescence in the Examiner's position. Applicants expressly reserve the right to pursue the invention(s) disclosed in the subject application, including any subject matter canceled or not pursued during prosecution of the subject application, in a related application.

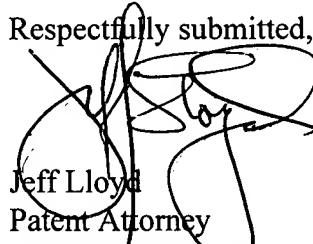
In view of the foregoing comments, Applicants believe that all claims as currently pending are in condition for allowance, such action is respectfully requested.

In view of the foregoing remarks and amendments to the claims, Applicants believe that the currently pending claims are in condition for allowance, and such action is respectfully requested.

The Commissioner is hereby authorized to charge any fees under 37 CFR §§1.16 or 1.17 as required by this paper to Deposit Account No. 19-0065.

Applicants invite the Examiner to call the undersigned if clarification is needed on any of this response, or if the Examiner believes a telephonic interview would expedite the prosecution of the subject application to completion.

Respectfully submitted,



Jeff Lloyd
Patent Attorney
Registration No. 35,589

Phone No.: 352-375-8100

Fax No.: 352-372-5800

Address: P.O. Box 142950
Gainesville, FL 32614-2950

JL/jil/kmm

Attachments: Replacement Sheets 1-5 for Figure 1-1 and Figure 1-2.